IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 7TH NOVEMBER 2006 / 16TH KARTHIKA 1928

Bail Appl..No. 6649 of 2006()

CC.53/2005 of J.M.F.C.-I, CHENGANNUR
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PETITIONER/ACCUSED

P.C.JAYAPRASAD, S/O.MADAVAN NAIR,
NADUVATTOM, NORTH BEYPORE P.O.,
KOZHIKODE.

BY ADV. SRI.K.R.VINOD

RESPONDENTS:

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No. 6649 of 2006

Dated this the 7th November, 2006.

O R D E R

Petitioner is before this Court to avert an arrest, consequent on the issuance of a non bailable warrant against him, in C.C.No.53/2005, on the file of the Judicial First Class Magistrate Court, Chengannur, as he faces the allegation under Section 138 of the Negotiable Instruments Act. Counsel for the petitioner submits that the latter did not receive any summons from the court, and, therefore, he could not appear, when the case was posted before that court. I doubt whether the court had issued non bailable warrant, without first having issued the summons. Atleast, the summons ought to have been attempted to be served, which, in the facts of the case, I am not venturing to probe into.

2. In the facts situation of this case, I dispose of this application, directing the petitioner to surrender before the Judicial First Class Magistrate Court, Chengannur, on 13.11.2006, at 11 A.M., and move an application for bail. The learned Magistrate shall allow the application, and release him on bail, imposing such conditions, as are deemed necessary, so that he will be available before that court to face the trial.

J.M. JAMES,
JUDGE

nj.